

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

RICO RODRIQUEZ ALLEN,

Petitioner,

v.

CIVIL ACTION NO. 3:19-cv-0546

CRIMINAL ACTION NO. 3:18-cr-00033

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

Movant Rico Rodriguez Allen seeks to appeal this Court's Memorandum Opinion and Order denying his Motion to Reconsider (ECF No. 86). ECF No. 93. The Motion requested reconsideration of the Court's prior denial of Movant's Motion to Vacate, Set Aside, or Correct Sentence filed under 28 U.S.C. § 2255 (ECF No. 79). ECF No. 86. Movant also appealed that Opinion (ECF No. 83), and the Court denied a certificate of appealability. *See* ECF No. 90. Here, as with the original Motion to Vacate, Set Aside, or Correct Sentence, the Court finds that Movant has not made a substantial showing of the denial of a constitutional right and has not presented issues adequate to deserve encouragement to proceed. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.3 (1983)). The Court accordingly **DENIES** Movant a certificate of appealability regarding his Notice of Appeal (ECF No. 93).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: November 12, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE